

Remarks

Claims 1, 4, 10, 13, 15, 18 and 20 have been amended. Claims 3, 12 and 17 have been cancelled without prejudice. Applicant's claims 5, 8, 10, 12-14, 19 and 20 have been provisionally withdrawn.

The Examiner has rejected applicant's claims 1, 3, 6, 7, 9, 15 and 17 under 35 USC § 103(a) as being unpatentable over the Peachey-Kountz, et al. (U.S. 6,463,345) patent in view of the Walker, et al. (U.S. 6,134,534) patent. The Examiner has also rejected applicant's claims 4 and 18 under 35 USC §103(a) as being unpatentable over the Peachey-Koontz, et al. and the Walker, et al. patents and further in view of the Haung, et al. (U.S. 6,151,582) patent. Applicant has amended applicant's independent claims 1 and 15, and with respect to these claims, as amended, the Examiner's rejections are therefore traversed. Applicant has also amended applicant's independent claims 10 and 20, which have been provisionally withdrawn, to recite features similar to those of the amended independent claims 1 and 15.

Applicant's independent claims 1, 10, 15 and 20 have been amended to better define applicant's invention. Applicant's amended independent claim 1 now recites an order-acceptance management apparatus for assigning a rank to an orderer and implementing acceptance of an order for a commodity in accordance with the rank assigned to the orderer, comprising allocation decision means for deciding an allocation ratio for each of groups corresponding to a number of ranks, inventory acquisition means for acquiring information concerning a number of units of the commodity in stock from storage means in which the number of units of the commodity in stock has been stored upon being allocated to the groups in accordance with the allocation ratio, and determination means for determining whether an order can be accepted if the order has been issued, wherein, if the allocated number of units of

the commodity in stock that belongs to a first group corresponding to a first rank assigned to the orderer is not less than the number of units of the commodity in the issued order, the determination means determines that the issued order is accepted and the allocated number of units of the commodity in stock stored in the storage means that belongs to the first group is replaced with a number that is difference value between the allocated number of units of the commodity in stock that belongs to the first group and the number of units of the commodity of the issued order, and if the allocated number of units of the commodity that belongs to the first group corresponding to the first rank assigned to the orderer is less than the number of units of the commodity in the issued order, the determination means determines that the issued order is not accepted and determines whether there is an allocated number of units of the commodity in stock that belongs to a second group corresponding to a second rank lower than the first rank without acceptance of an order of the first group. Applicant's independent claims 10, 15 and 20 have been similarly amended. The features of "allocation decision means" and "allocation decision step" recited in applicant's amended claims are disclosed on page 10, line 6 to page 12, line 11 of applicant's specification and in FIG. 4 of applicant's drawings.

The constructions recited in applicant's amended independent claims 1 and 15, and their respective dependent claims are not taught or suggested by the cited art of record. In particular, applicant's amended independent claims 1 and 15 recite that an allocation ratio is decided for each group corresponding to a number of ranks and that inventory information, i.e. information concerning a number of units of the commodity in stock, is acquired from a storage in which the number of units have been stored upon being allocated to the groups in accordance with the allocation ratio. Thus, in the present invention, the allocation ratio for

each group is decided, and the number of units of the stock are thereafter allocated to each group based on the allocation ratio, in advance of acquiring inventory information.

The Examiner has cited column 4, lines 45-55 of the Peachey-Kountz, et al. patent as disclosing an inventory acquisition means for acquiring information concerning number of units of the commodity in stock from storage means in which the number of commodity in stock has been stored upon being allocated to a number of groups corresponding to a number of ranks. Applicant has reviewed this passage of Peachey-Kountz, et al., cited by the Examiner, and respectfully disagrees with the Examiner's arguments.

Specifically, column 4, lines 45-55 of Peachey-Kountz, et al., cited by the Examiner, merely discloses that supply from a supply table is allocated in an allocation table to a plurality of user groups. In addition, FIG. 2 of Peachey-Kountz, et al. shows the allocation of the available supply of 100 units per period between two user groups for each time period, and column 5, line 52 to column 6, line 13 of Peachey-Kountz, et al. disclose that demand, or customer orders placed, and the company's supply, which includes current and projected inventory, are used to allocate the units in the supply so as to generate an allocated supply line for each group. That is, the allocation of the units among the groups in the Peachey-Kountz, et al. patent is performed after the inventory information has been acquired, and is based on the current and projected inventory, i.e. supply, and the demand for the units by each group. The allocation of units in Peachey-Kountz, et al. is therefore not based on an allocation ratio for each for each group which is decided before acquiring the inventory information.

Accordingly, there is no teaching or suggestion in Peachey-Kountz, et al. of deciding an allocation ratio for each group corresponding to a number of ranks and of acquiring information concerning a number of units of the commodity in stock from storage means in

which the number of units of the commodity in stock has been stored upon being allocated to the groups in accordance with the allocation ratio. Furthermore, the Walker, et al. and the Haung, et al. patents cited by the Examiner also fail to teach or suggest these features. Applicant's amended independent claims 1 and 15, each of which recites such features, and their respective dependent claims, thus patentably distinguish over the Peachey-Kountz, et al., the Walker, et al. and the Haung, et al. patents.

Moreover, the cited references fail to teach or suggest determining that the issued order is not accepted and determining whether there is an allocated number of units of the commodity in stock that belongs to a second group corresponding to a second rank lower than the first rank without acceptance of an order of the first group, if the allocated number of units of the commodity that belongs to the first group corresponding to the first rank assigned to the orderer is less than the number of units of the commodity in the issued order. The Examiner has cited column 11 of the Peachy-Kountz, et al. patent as disclosing such features. In addition, the Examiner has acknowledged that the Peachy-Kountz, et al. patent fails to disclose a determining means or step for determining whether an order can be accepted if the order has issued. However, the Examiner has argued that column 19, lines 6-15 of the Walker, et al. patent disclose these features.

Applicant has reviewed the passages cited by the Examiner and respectfully disagrees with the Examiner's arguments. Specifically, column 10, lines 40-52 and column 11, lines 4-21 of Peachy-Kountz, et al. teach that if a customer's order cannot be filled by the currently allocated supply, then currently available supply of other customers having the same or lower priority and anticipated or future supply of the ordering customer or other customers may be used to fill the order. Thus, Peachy-Kountz, et al. teaches that when the current supply is

insufficient to meet an order, i.e. the allocated number of units to the user group is less than the number of units in the order, the order is nevertheless accepted and filled using a supply of the lower-priority customer. Applicant's amended independent claims 1 and 15, which recite that the issued order is not accepted and that the determination as to whether there is an allocated number of units belonging to a second group corresponding to a second rank lower than the first rank is performed without acceptance of the order of the first group, are therefore clearly patentably distinct over the teachings of the Peachy-Kountz, et al. patent.

With respect to the Walker, et al. patent cited by the Examiner, column 19, lines 6-15 of Walker, et al. merely teach that customers' orders are compared against the rules of each seller to determine whether to accept, reject or counter the order on behalf of the seller, and thus fail to add anything to change the above conclusion. Likewise, the Haung, et al. patent fails to teach or suggest the features of applicant's amended claims 1 and 15.

Accordingly, applicant's amended independent claims 1 and 15, and their respective dependent claims, patentably distinguish over the Peachy-Kountz, et al., the Walker, et al. and the Haung, et al. patents, either taken alone or in combination. Applicant's provisionally withdrawn amended independent claims 10 and 20, which have been amended in a similar fashion as applicant's independent claims 1 and 15 and recite similar features, and their respective dependent claims, also patentably distinguish over the cited art of record for the same reasons as discussed above.

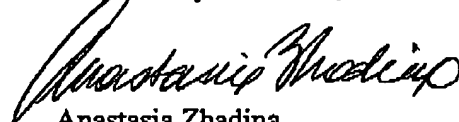
In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9286.

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Respectfully submitted,



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